

## REMARKS

Claims 1, 5-7, 14-16 and 23 have been cancelled without prejudice. Claims 25-30 have been added. Support for the new claims can be found in paragraph 8 of the specification. Claims 2-4, 8, 17-22 and 24 have been amended. With entry of this amendment, claims 2-4, 8-9, 17-22 and 24-30 will be pending. No new matter has been introduced. Applicant respectfully submits that the amended and newly-presented claims are in condition for allowance.

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-284250. Claims 1, 2, 4-7, 14-18, 21 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,281,489 (“Mori”) in view of U.S Patent No. 3,671,451 (“Butterfield”). Claims 8-9, 19-20, 22 and 24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### CLAIMS 2-4, 8-9, 17-22 AND 24-30

Claim 8 has been rewritten in independent form to include the subject matter of claim 1. Applicant thanks the Examiner for noting that various fluorine-substituted phenyl groups of the list “2-fluorophenyl ... pentafluorophenyl” set forth in claim 1 are also covered by the earlier recited broader possibility of an aryl substitute singly or multiply with fluorine. Applicant has excluded this list from amended claim 8. With the above amendment, claim 8 has been placed in condition for allowance. Therefore, applicant respectfully requests reconsideration and allowance of independent claim 8 and claims 2-4, 9 and 30 which depend therefrom.

Claim 2 depends from allowable independent claim 8, and therefore, is allowable. Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that it is unclear whether claim 2 is limiting  $R^{10}$  to  $-C(=X^1)-X^2R^1$  and  $R^{11}$  to  $-C(=X^3)-X^4R^5$  so that  $X^1$  and  $X^3$  are necessarily present, or if claim 2 is merely further limiting an option. Claim 2 has been amended to recite “[t]he device of Claim 8, wherein  $X^1$  is oxygen when  $R^{10}$  is  $-C(=X^1)-X^2R^1$  and  $X^3$  is oxygen when  $R^{11}$  is  $-C(=X^3)-X^4R^5$ . Therefore, applicant respectfully requests withdrawal of the rejection.

Claim 19 has been rewritten in independent form to include the subject matter of claim 16. Therefore, claim 19 has been placed in condition for allowance. Applicant respectfully

requests reconsideration and allowance of independent claim 19 and claims 17-18 and 21 which depend therefrom.

Claim 20 has been rewritten in independent form to include the subject matter of claim 16. Therefore, claim 20 has been placed in condition for allowance. Applicant respectfully requests consideration and allowance of independent claim 20 and claims 25-28 which depend therefrom.

Claim 22 has been rewritten in independent form to include the subject matter of claim 16. Therefore, claim 22 has been placed in condition for allowance. Applicant respectfully requests consideration and allowance of independent claim 22 and claim 29 which depends therefrom.

Claim 24 was been rewritten in independent form to include the subject matter of claim 16. Therefore, claim 24 has been placed in condition for allowance. Applicant respectfully requests consideration and allowance of independent claim 24.

#### **DECLARATION AND PRIORITY DOCUMENT**

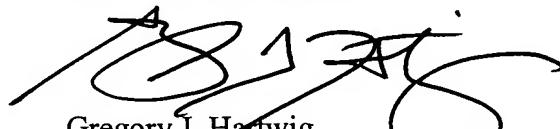
The declaration was deemed defective. As noted in the Amendments to the Specification, this application is a continuation of and claims priority to International Application No. PCT/DE02/03110 filed on August 21, 2002, which claims priority to German Application No. 10141266.5 filed on August 21, 2001. This application claims the priority of each of these applications and patents and fully incorporates the subject matter thereof. A new declaration is being prepared and will be filed shortly.

Additionally, a certified copy of German Application No. 10141266.5 will be filed shortly.

**CONCLUSION**

In view of the foregoing, consideration and allowance of claims 2-4, 8-9, 17-22 and 24-29 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Respectfully submitted,



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